

REMARKS

Claims 1-42 have been cancelled. New claims 43 – 46 have been added.

Claims 40 and 41 were rejected as anticipated by Miglioizzi under Section 102(b), and claim 42 was rejected as unpatentable under Section 103 over Miglioizzi in view of Moss. We respectfully submit that new claims 43 – 46 are allowable over these references taken singly or in combination, and favorable consideration with a view to allowance of these claims is courteously solicited.

Miglioizzi describes a handle provided at a lower extremity of a support shaft. Manipulation of the handle causes rotation of a support body upon which baskets containing soap are hung, in order to place the baskets in the stream of water flowing from the shower head.

Furthermore, the handle of Miglioizzi is not located adjacent to the stream of water passing through the aperture, nor does it ever lie in the flow of water from the tap, regardless of any movement of the handle or dispensers arranged about the support shaft. Also, in Miglioizzi the support shaft 20 is connected to the member 28 through a bearing 22. Thus, when the shaft 20 is axially rotated the member 28 does not move at all.

In addition, it will be observed that in Miglioizzi, the baskets are located on a circular body radially arranged about the support shaft 20. It is the circular body that rotates with the central support shaft 20, with the baskets being rotated by virtue of being hung from the circular body. As such, the baskets themselves are not mounted upon a pivotal member and are arranged distal to the central support shaft 20.

In contrast, in claims 43 – 46, the body of the retaining means is attached to the open end of the tap by an L-shaped member having an arm with a clamp. The L-shaped member further includes a shank downwardly depending from the arm, the shank having a pivotal member at a lower end thereof. Importantly, the shank is fixedly attached to the arm so that the arm and shank

do not move relatively to each other at all. Only the pivotal member at the lower end of the shank moves to rotate the body to be moved in and out of the stream of water.

In the present invention, the body of the retaining means is directly mounted to this pivotal member, so as to enable the body to be pivoted into and out of the water stream. Importantly, in the arrangement as defined by the amended claims, the body is located proximally to the tap at all times and in all positions.

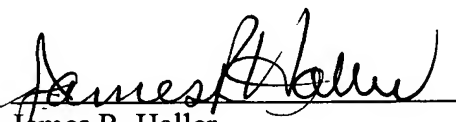
This arrangement is in clear contrast to that disclosed in Migliozi. Migliozi does not describe a body "directly mounted to the pivotal member so as to enable said body to pivot about an axis parallel to the direction of water flow into and out of the water stream while being located proximally to said tap in all positions". Rather, the entire arrangement disclosed in Migliozi is extremely cumbersome and does not in any way describe a discrete system mounted about a tap that does not in any way restrict access to the tap nor require the tap to be mounted some distance from a wall in order for the invention to operate properly.

Finally, it will be appreciated that the disclosure of Moss is not helpful to the consideration of Migliozi.

Reconsideration and withdrawal of the rejections based on Migliozi and Moss is solicited, and a prompt notice of allowance is courteously requested. The Examiner is invited to call the undersigned attorney in the event that this might further consideration of the application.

Respectfully submitted,

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